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D**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Confirmation No.: 1175

Appl. No. : 09/392,454  
Applicant : Guy L. Grenier et al.  
Filed : September 9, 1999  
TC/A.U. : 2663  
Examiner : Derrick W. Ferris

Docket No. : 91436-193  
Customer No. : 22463

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Certificate of Transmission	
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**AMENDMENT B**

Sir:

This is in response to the Office Action mailed April 1, 2003.

**REMARKS**

Claims 1-26 are pending.

The Examiner has rejected pending independent Claims 1, 13, 19, 20, 21, and 22 under 35 USC 103 as being obvious in view of U.S. Patent No. 5,838,924 to Anderson et al. ("Anderson") and U.S. Patent No. 6,452,906 to Afferton et al. ("Afferton"). The Applicant respectfully traverses these rejections.

Specifically, the Examiner takes the position that Anderson discloses detection of signal failure (SF) defects (e.g., LOS, LOF, LDC) within an ATM network at the physical (i.e. SONET) layer. The Examiner acknowledges that Anderson does not suggest detecting signal degrade (SD) defects at the SONET layer. Indeed, Anderson discloses detecting SD at the ATM layer through "performance monitoring" flows.